IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.W.P. No.9230 of 2005
Date of Decision:01.05.2007

Darbari Lal

.....Petitioner

Vs.

The Punjab State Electricity Board, The Mall, Patiala and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. R.K.Arora, Advocate for the petitioner.

Mr. Brijeshwar Singh Kanwar, Advocate for
Mr. Govind Goel, Advocate for the respondents.

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M.M.Kumar, J.

The whole case of the petitioner was founded on the argument that Shanker Singh, who was at Sr. No.6100 of the seniority list (Annexure P.1), is junior to the petitioner and was promoted with effect from the date earlier than the date of promotion given to the petitioner, who was at Sr. No.5954 as depicted in the seniority list. Even, it is not disputed that Shanker Singh was reverted from the post of Assistant Engineer to that of Junior Engineer. He challenged his reversion order before this Court by filing C.W.P. No.6044 of 2002. The writ petition was eventually dismissed on 8.3.2007 for non-prosecution. It has been pointed out that in the meantime Shanker Singh has retired from service on attaining age of superannuation on 30.9.2005 and has availed all the benefits of working on the post of Assistant Engineer since reversion order passed against him was stayed. The prayer now made is that the respondents are duty bound to consider the case of the petitioner in the light of the fact that Shanker Singh, who is junior to the petitioner has been given all the benefits of working on the post of Assistant Engineer and, therefore, the petitioner becomes entitled to claim benefits of promotion with effect from the date Shanker Singh was promoted.

Having heard learned counsel, we are of the considered view that the petitioner did not become entitle to claim any benefit merely on the ground that Shanker Singh, person junior to him, has been given promotion with effect from the date earlier to the date of promotion of the petitioner because the reversion order against Shanker Singh was subject-matter of challenge in C.W.P. No.6044 of 2002 which has been dismissed for non-prosecution on 8.3.2007. The legal consequence of dismissal of the petition filed by Shanker Singh, is that his reversion order has been upheld and no benefit would legally flow to him. Therefore, the petitioner cannot be given any relief on the basis that Shanker Singh was promoted as Assistant Engineer from a date earlier than the date given to the petitioner.

Accordingly, the writ petition fails and the same is dismissed.

(M.M.KUMAR)
JUDGE

May 01, 2007 **(RAJESH BINDAL)**
renu **JUDGE**